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**HAND CARRY****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Jackson and Harris

Serial No.: 09/388,090

Art Unit: 1645

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U.S. PATENT AND TRADEMARK OFFICE

Filed: August 31, 1999

Examiner: S. Devi

For: *NEISSERIA SPP. POLYPEPTIDE,  
NUCLEIC ACID SEQUENCE AND  
USES THEREOF*

Attorney Docket No.: 7969-082-999

**PETITION FOR WITHDRAWAL OF HOLDING OF  
ABANDONMENT PURSUANT TO 37.C.F.R. §1.8(b)**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Attorney's for Applicants petition to withdraw the improper holding of abandonment, Notice dated January 8, 2003, on the grounds the application was never abandoned.

**I. Facts**

On June 20, 2002, an Office Action was mailed from the United States Patent and Trademark Office (PTO).

On December 20, 2002, in reply to the Office Action the following documents, constituting a complete reply, were filed via Express Mail No.: EL 500 578 282 US addressed to the Assistant Commissioner of Patents:

- Response Under 37 C.F.R. §1.111 with Amendment;
- Appendix A; a "marked-up" version of the specification as amended;
- Appendix B; a "clean" version of the specification as amended herein;
- Appendix C; a "marked-up" version of the claims which will be pending;
- Appendix D; a "clean" version of the claims which will be pending;
- Exhibit 1; page 1-4, a copy of results of BLAST comparisons of the amino acid sequences;
- a Declaration of Dr. W. James Jackson;
- a Petition for Extension of Time for three months with fee authorization;
- a Fourth Supplemental Information Disclosure Statement with references AJ-AL and PTO-1449 Form with copy of references AJ-AL;

- a Fee Transmittal for claim amendments; and
- Transmittal of Formal Figures with 2 sheets of Formal Figures.

A true copy of the documents as filed an December 20, 2002 including a copy of the yellow post card receipt is enclosed as Exhibit I.

A true copy of the Express Mail No.: EL 500 578 282 US stamped by the United States Postal Service on December 20, 2002 is enclosed as Exhibit II.

A true copy of the Express mail Certificate for Express Mail No.: EL 500 578 282 US signed by Ishmael Maldonado on December 20, 2002 affirming that the listed documents (identical to those listed on the post card receipt were mailed via Express Mail No.: EL 500 578 282 US to the Assistant Commissioner for Patents, Washington D.C. 20231 is enclosed as Exhibit III.

A true copy of the yellow post card receipt stamped by the USPTO on December 20, 2002 evidencing receipt of the documents is enclosed as Exhibit IV.

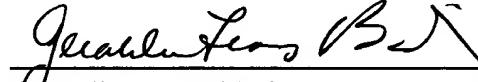
The undersigned has been informed that the PTO cannot locate the documents evidenced as received by the Patent and Trademark Office.

## II. Request

In view of the above documents, it is respectfully submitted that the documents were in fact timely submitted. It is therefor requested that the Notice of Abandonment be withdrawn and the application be returned to active prosecution.

Respectfully submitted,

Date January 22, 2003

  
Geraldine F. Baldwin 31,232  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Express Mail No.: EL 500 578 282 US First Class Mail ( )

Date Mailed: December 20, 2002

Serial No.: 09/388,090 Filed: August 31, 1999

Inventor: Jackson and Harris

For: NEISSERIA SPP. POLYPEPTIDE, NUCLEIC ACID SEQUENCE AND  
USES THEREOF

The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:

- (X) Response Under 37 C.F.R. §1.111 with Amendments;
- (X) Appendix A; a "marked up" version of the specification as amended;
- (X) Appendix B; a "clean" version of the specification as amended herein;
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**EXPRESS MAIL CERTIFICATION**

"Express Mail" label No. EL 500 578 282 US Date of Deposit  
12/20/02 I hereby certify that the below-listed papers or fees  
were inserted into a package that was addressed to the  
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Commissioner For Patents, Washington, D.C. 20231 and was deposited by me with the United States Postal Service "Express Mail Post Office Addressee" service under 37 C.F.R. 1.10 on the date indicated above.

Signature

Date:

Express Mail No.: EL 500 578 282 US First Class Mail ( )  
Date Mailed: December 20, 2002

Serial No.: 09/388,090 Filed: August 31, 1999

Inventor: Jackson and Harris

For: NEISSERIA SPP. POLYPEPTIDE, NUCLEIC ACID SEQUENCE AND  
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